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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 **ELIEZER SALCEDO,**

CV 07-5513 MHP

16 Petitioner,

17 **v.**

18 **F. B. HAWS,**

19 Respondent.  
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21 **ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS**  
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13 **ELIEZER SALCEDO,**

Petitioner,

15 v.

16 **F. B. HAWS,**

17 Respondent.  
18

CV 07-5513 MHP

**ANSWER TO PETITION FOR  
WRIT OF HABEAS CORPUS**

19 Respondent hereby provides this answer to the order to show cause why the petition for  
20 writ of habeas corpus should not be granted:

21 **CUSTODY**

22 Petitioner is lawfully in the custody of F.B. Haws, Warden of the state prison in Lancaster,  
23 California, as a result of a judgment of conviction in San Francisco County Superior Court Case No.  
24 185503. After he was convicted of second degree murder, four counts of attempted murder,  
25 discharging a firearm at an inhabited dwelling, and possession of a firearm by a felon, and  
26 allegations that he intentionally and personally discharged a firearm during the offense and caused  
27 great bodily injury were found true, petitioner was sentenced to serve a determinate term of 28 years  
28 followed by an indeterminate term of 40 years to life in state prison.

**GENERAL AND SPECIFIC DENIALS**

Respondent denies the state court's ruling was based on an unreasonable determination of fact or was contrary to or involved an unreasonable application of clearly established United States Supreme Court law. Respondent specifically denies that (1) petitioner was denied due process because the evidence was insufficient to support an intent to kill as to the convictions for attempted murder, and (2) petitioner was denied due process because the jury instruction on intent to kill was erroneous.

**PROCEDURAL DEFENSES**

Petitioner has exhausted his claims in state court, and his federal petition is timely.

**LODGED DOCUMENTS**

Respondent has lodged concurrently with this Answer the following exhibits: (1) state court Clerk's Transcript (4 Vols.); (2) state court Reporter's Transcript (30 Vols.); (3) opinion by the California Court of Appeal; (4) Petition for Review; (5) California Supreme Court denial of Petition for Review; (6) respondent's brief.

Respondent hereby incorporates by reference the accompanying Memorandum of Points and Authorities in support of this Answer.

**CONCLUSION**

WHEREFORE, respondent respectfully submits that the Petition for Writ of Habeas Corpus should be denied.

Dated: May 9, 2008

Respectfully submitted,

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